Scott. Ll-27—40,000—14-10-36.

Finance

(193) Department.

13 SERIES.

G.O. No. 276

276

DATED 24-1-1931

24-1-1937

[Despatch Abstract.]

Petition - Govinda Guru Rao., M.R.Ry. - Temporary increase in pension - Continuance of - Petition to the Government of India - Withheld.

To

The Secretary to the Government of Madras Financial Dept.

Madras

-8 APR 1937 FINANCE DEPT.

DEPUTY SECRETARY TO GOVERNMENT 6 - APR 1937 FINANCE DEPT.

1175 C Pen

6-4-37. Honored Sir,

I respectfully beg to annex herewith the petition which was submitted to the India Government. Gol. was returned to be submitted through the local Govt. (vide endorsement No. D. 583/37).

I therefore most humbly pray that your Government will be graciously pleased to transmit the petition to the Govt. of India.

I beg to remain,
Sir,
your most obdt. servant
Govind Gurudas Nagal
Harpanahally
Bellary Dt.

Harpanahally
4.4.37

To

The Secretary to the Government of India

Financial Department

D E L H I.

Honoured Sir,

(1) I am a pensioner of the Bombay Government (a retired Sub Inspector of Police). After my retirement my pension payment office was transferred from Bombay Presidency, to Harpanahalli Sub treasury a Taluka place in the Bellary District of the Madras Presidency as that place happened to be my native place.

(2) After a time the Bombay Government sanctioned the temporary increase of the pensions of a certain class of their pensioners of which I was one, simultaneously the Madras Government also did the same. Accordingly they began to pay me an increment of Rs.4/- per month and this continued till the Madras Government withdrew their sanction, when my increment was stopped.

(3) This ought not to have been done since the Bombay Government had not withdrawn their sanction. The account department however corrected themselves subsequently and ordered the increment to be paid to me as I was a Pensioner of the Bombay Government and as such entitled to the increment as that Government had not withdrawn their sanction.

(4) But subsequently an audit objection was raised by the Accountant General's office and the payment of increment to me was stopped and whatever amount that had been paid to me till then was also recovered from me on the ground that though I was a Pensioner of the Bombay Government yet my pension was debitable to the paying Province Madras and that so long I continue to draw may pension in the Madras Presidency, I shall be subject to the rules of the Madras Government regarding the admissibility of temporary increase on my pension.

(5) I appealed to the Madras Government and as a matter of course, got an order similar to that of the version contained in the audit objection of the Accountant General's office (Vide G.O.No.230 Finance (Pension) dated 23rd April 1934).

P.T.O.

(6) The view taken by the Accountant General and for the matter of that by the Madras Government that so long I continue to draw my pension in the Madras Presidency, I shall be governed by the rules of the Madras Government, regarding the admissibility of temporary pension and which by implica-tion means that when I begin to drawn my pension in the Bombay Presidency or any where else where the sanction of the temporary increase of pension is not withdrawn then I shall be entitled to the payment of increment, is erroneous in all its aspects.

(7) It is an unassailable and an unmistakeable fact that the mere place where the pension is paid does not govern the payment of pension to a Pensioner, but only the sanction of the competent authority who actually sanctioned such a pension to the concerned pensioner.

(8) On the above and other grounds, I again moved the Madras Government but was peremptorarily silenced by the order of the Government Memorandum No.16563-1 dated the 1st June 1934, that the Government are unable to reconsider the order passed in G.O.No.230 Finance (Pension) dated 23rd April 1934 and that further petitions on the same subject will not receive atten-tion. The two orders are herewith appended.

(9) Apart from the unconvincing and peremptory order of the Accountant General and the Madras Government the initial error in this case lies in the fact that the account department made my pension debitable to the Madras Government instead of rightly making it contributable by the Bombay Government, when there would have been no occasion at all for all these quibbles and troubles.

(10) Even after this arror came to light they ought to have in fairness, corrected themselves by making necessary adjustment in the accounts and done me the justice of entitling me to the receipt of the temporary increase of pension as per the sanction of the Bombay Government instead of resorting to justify their error with reasonings no amount of which can

P.T.O.

can transform me into a Pensioner of a Madras Government and much less undo the fact that the payment of my pension by the Madras Government is dependent only on the sanction of the Bombay Government and that if any thing governs the payment of my pension, it is only the sanction of the Bombay Government.

I therefore most respectfully and humbly pray, that your benign Government will be graciously pleased to declare and advise the concerned Governments that the payment of my pension is governed by the sanction and rules of the Bombay Government and that I am entitled to be paid the full amount of increment which has been hitherto recovered and withheld from me.

For this act of kindness, I shall ever pray.

I beg to remain,
Honoured Sir,
Your most obedient servant,

Harpanahally
10.3.1937

Govind Gurudas Nayak
Harpanahally
Bellary Dt
Madras presidency

5

Finance (Pension)

Pension – Temporary increase – Request for the continuance of –

~~Petition of~~ Govinda Guru Rao ~~for MRBy~~ to the Secretary ~~to the Govt.~~ of India, Finance Dept.

pp 2 – 4 C.F.

For the reasons explained at pages 6–8 of G.O. No. 230 Fin (Pen) dated 23-4-34, this Govt. rejected the petitioner's request for the continuance of the temporary increase in his pension – Vide, para 1 on page 10 of the G.O. His subsequent petition for a ~~reconsidera~~ reconsideration of these orders was also rejected in this dept's memo. no. 16563-1 d. 1-6-34, the petitioner being informed at the same time that further petitions from him on the same subject would remain unnoticed. Thereupon the petitioner preferred an appeal to the Secretary to the Govt. of India in March 1937 i.e., about 3 years after the date of the memo. at p. 15 of (M). This appeal petition appears to have been returned to the petitioner with instructions to submit it through the local Govt. He has accordingly submitted his petition to this Govt. for transmission to the Govt. of India. But being time barred, it is liable to be withheld under instruction 7(13) of the instructions relating to the submission of petitions to the

(M)

(M)

p. 15 of (M)

p 2 – 4 C.F.

W

C.F.

P 63 of the Business Rules & Instructions (not put up).

Governor-General in Council. It is also
invite to be withheld under instruction
4 (14) (b) (iii) — Vide Order in G.O. No. 250 F in (Pen)
dated 25-4-34.

A draft order withholding U— publication is accordingly
submitted for approval.

VJK
19.4.37.

SCB
20.4.37

19/22/4/37

C.F. 16.

7

DRAFT FOR APPROVAL.

7/24/4 Date. Initials.

SUBJECT :— Finance (Pension).

When received for fair copying .. 7/24/4
When copied ..
When examined ..
When signed ..
When despatched.

Petition — Govinda Guru Rao M.R.Ry — Temporary increase in pension — continuance of — Petition to the Govt. of India — Withheld.

READ AGAIN G.O. No. 230 Fin (Pen) dated 23 — 4 — 1934 (M) pp10-11.

" " Memo. No. 16563-1 Fin (Pen) 1 — 6 — 1934. (M) p.15.

READ *ALSO* :—

No. ____ From the petitioner ~~No. petition~~ L.Hr dated 4-4-1937 p. 1 C.F.

" ____ " ____ " ____ " ____ 19____.

" ____ " ____ " ____ " ____ 19____.

~~Order~~ ~~Resolution~~ Ms. ~~Rout.~~ No. 276, dated 24 — 4 — 1937.

c.f. G.O. No. 672 Pen (F) 12-10-33.

pp 2-4 C.F. — The petition of M.R.Ry Govinda Guru Rao, to the Govt. of India received with his letter dated

p. 1 C.F. — 4-4-37 is withheld under instructions 7 (13) and 7 (14) (b) (iii) of the instructions regarding the submission of petitions to the Governor General in Council.

[H.E. instructions 7(13) and 7(14) (b) (iii)]

HK 24.4. (Pp 63-64 of the Madras Govt. Business Rules and Secy. Instructions (not print wp.)

To M.R.Ry. Govinda Guru Rao, Harpanahally, Bellary Dt. (with pp 5-7 C.F.) returned.

HK 19.4.37. GS 22/4/37

JAS 21-4-37

copy to the C.I.B. (for noting in the Register of withheld memorials).

WD RK 24

To.

The Secretary to the Governor of Madras
Finance
Judicial department

Honoured Sir pp 2-4 infra.

1135 Por 17.5.37

Herewith is Annexed a petition for favour of being transmitted to the India Government. On a perusal of the same, it is hoped that your Government will be graciously pleased And Satisfied to transmit the petition, which has been withheld.

If on a perusal of these two petitions this Government is Satisfied that my Claim for the temporary increase of pension is a just one, I respectfully pray that this Government will be graciously pleased to issue such Orders as would give effect to the Sanction of the Bombay Government, which alone governs the payment of my pension.

I beg to remain
Honoured Sir
your most obedient Servant
Govind Gundu Nagar
Harpanahally

Harpanahalli.
Date. 15.5.37.

Bellary Dt

9/

To.

His Excellency the Governor General of India
in Council.
New Delhi.

The humble petition of Govind Guru Rao. Nagal Gross respectfully Showeth:-

1. The petitioner had Submitted a petition to your Excellency's Government on 10-3-1937 to declare that the payment of the pension to the petitioner, is governed by the Sanction of the Bombay Government as he is the pensioner of that Government, Though his pension is now paid in the Madras presidency etc.

pp 2-4 of G.O. No. 276 Pen dt 24-4-37 (H)

2. The petition was returned to the petitioners by your Excellency's Government with an endorsement no D 583/37 O that the petition will not be Considered unless it is Submitted through the local Government.

3. It was Accordingly Submitted, to the Madras Government with a prayer that the petition may be transmitted to your Excellency's Government. But the petition was withheld by the said Government on the grounds, Stated in their order. G.O. M.S. 276 dated 24th April 1937, which, in Original, is herewith Appended together with its Accompaniments, G.O. M.S. 230 Finance (pension) dated 23.4.1934. And Memorandum no 16563-I Finance pension dated 1-6-1934.

f. 1 of (H)

pp 5-9 in-pt

4. Every employee is entitled under the law to his pay or pension According to the terms of Contract or rules And a Court of Law has jurisdiction to give relief to an Aggrieved party.

2 7 10

5. It is thus An error to hold that the petition which is now withheld by the Madras Government, is no representation in respect of a Claim, which the petitioner is entitled by Law or Statutory rule.

6. It is Also erroneous to hold that the petition which is now withheld, is A representation, relating to An order of the Local Government, refusing to grant or to recommend a special pension or pecuniary Concession.

7. The temporary increase of pension, granted by the Bombay Government is not a Special pension or Concession, to Any Special or particular individual, but is of a general Character which applies to one And all of their pensioners of a Certain grade, without Any distinction or Speciality in it.

8. Moreover, the petitioner never made a representation to the Madras Government to grant Any Special pension or Any pecuniary Concession to him And was never refused the grant. But all that the petitioner prayed for, was to pay him the increase of pension Already granted by the Bombay Government.

9. The Government of Madras held, that So long as the pensioner draws his pension in the Madras Presidency, the payment of his pension is governed by the rules of that Government.

10. The petitioner respectfully disagreeing with the views taken by the Madras Government, Submitted a petition to your Excellency's Government, to declare that a place of payment of a pension does not govern or decide the Question of the Amount to be paid to a pensioner, But, it is the Sanction of a Competent Authority, which,

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Finance (Pension).

Memo. No. 15325 Pen. 1 dated 3-6-37

Pension - Temporary increase - continuance - Petition to the Govt. of India from MRRy Govinda Guru Rao, dated 15-5-37 [illegible] The petitioner is informed that the Govt. see no reason to reconsider the orders already passed in G.O. No. 276 Fin. (Pen.) dated 24-4-1934. Further petitions on the same subject will not be entertained.

MK 30.5.37.

25/B 31.5.37

To MRRy. Govinda Guru Rao, Harpanahally, Bellary Dt.

(with pp 5-9 C.F. returned in original)

with cover

3.6.37

#/pp. 2-4 C.F.

(x) p. 1 C.F.

Note:- The petitioner has again submitted a petition (#) for transmission (x) to the Govt. of India, similar to the one already withheld in G.O. No. 276 Fin (pen) d 24-4-37. That memorial was rightly withheld and there is no need to reconsider the decision. The memorialist-

(H)
p. 27

be informed accordingly. Draft memo. subtd overleaf is for approval.

As the memorialist has constantly been petitioning one way or the other a sentence has been added to the draft to the effect that from his further petitions on the same subject will remain unnoticed. It may also be incidentally mentioned that para. 12 of the present petition on p 4 cf. contains disrespectful language

ASB
31.5.37

1.6.37